

# Daily Bulletin

ACTIONS BY THE NORTH CAROLINA GENERAL ASSEMBLY

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## School of Government

The University of North Carolina at Chapel Hill

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House Legislative Day 68

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Senate Legislative Day 68

*Monday, May 23, 2011*

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## SUMMARIES OF BILLS FILED

### *Public Bills*

None

### *Local Bills*

None

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## ACTION ON BILLS

**May 23, 2011**

- NOTES**
1. Digests appearing under "Summaries of Bills Filed" are for bills stamped with today's filing date.
  2. Amendments and committee substitutes adopted today are summarized following the chamber action.
  3. Subscribers can find the digest of every version of each bill online at [www.dailybulletin.unc.edu](http://www.dailybulletin.unc.edu).
  4. The dates on which previous amendments or committee substitutes were adopted are listed below bill numbers.
  5. The action "Cal Pursuant Rule 36b" indicates that the bill has been reported by committee and is awaiting calendaring.
  6. Enacted bills are indicated by #, failed bills by \*. Actions that change a bill are indicated by HA or SA.

### PUBLIC BILLS

H0030 Allow Wage Garnishment to Satisfy Judgments.	HA Reptd Fav Com Sub 2 H Cal Pursuant Rule 36(b) H Placed On Cal For 5/24/2011
04-14-11, 05-23-11	
H0098 Breweries to Sell Malt Beverages on Premises.	S Withdrawn From Cal S Placed On Cal For 5/24/2011
04-20-11, 05-19-11	
H0112 Realign Wake Superior Court Districts.	HA Amend Adopted 1 H Passed 2nd & 3rd Reading H Ordered Engrossed
05-19-11, 05-23-11	
H0139 Limit Contributions by State Vendors.	HA Reptd Fav Com Sub 2 H Cal Pursuant Rule 36(b) H Placed On Cal For 5/24/2011
04-21-11, 05-23-11	
H0206 Modify Property Tax Base Exclusions.	H Passed 2nd & 3rd Reading
H0227 Purchase of Firearms in Other States.	H Withdrawn From Com H Re-ref Com On Judiciary Subcommittee C
H0280 County Law Enforcement Service District.	H Ratified
03-31-11	
H0306 Transfer GSC/Revisor of Statutes to GA.	H Concurred In S/Com Sub H Ratified
05-17-11	
H0345 Modify Move Over Law.	H Reptd Fav H Cal Pursuant Rule 36(b) H Placed On Cal For 5/24/2011
05-11-11	
H0366 Special Election Dates.	S Rec From House S Passed 1st Reading S Ref To Com On Judiciary I
05-12-11, 05-16-11, 05-17-11, 05-18-11	
H0387 Access Confidential Info/Child Abuse/Neglect.-AB	S Rec From House S Passed 1st Reading S Ref To Com On Judiciary II
05-19-11	

H0474 Protect Adult Care Home Residents. 04-26-11, 04-28-11, 05-12-11	H	Placed On Cal For 5/24/2011
H0503 Nutrition Stds./All Foods Sold at School. 05-18-11	H	Placed On Cal For 5/24/2011
H0515 Comm. Coll. Tuition for Members of Military.  04-11-11	S	Rec From House S Passed 1st Reading S Ref To Com On Education/ Higher Education
H0541 CAP-MR/DD Waiver Change/ Residential Supports.	H	Withdrawn From Com
H0572 Accountability for Publicly Funded Nonprofits.  05-16-11, 05-19-11	H	Re-ref Com On Education S Rec From House S Passed 1st Reading S Ref To Com On Finance
H0582 Amend Felony Firearms Act/ Increase Penalties. 05-19-11	H	Passed 2nd & 3rd Reading
H0596 Transfer Surplus Prop. to Retirement System.  05-19-11, 05-23-11	HA	Amend Adopted 1 H Passed 2nd & 3rd Reading H Ordered Engrossed
H0605 Expand Setoff Debt Collection Act.  05-18-11	S	Rec From House S Passed 1st Reading S Ref to State and Local Government. If fav, re-ref to Finance
H0623 Eliminate Agency Final Decision Authority. 05-16-11	H	Passed 2nd Reading
H0638 Uniform Faithful Presidential Electors Act.  05-18-11	S	Rec From House S Passed 1st Reading S Ref To Com On Judiciary I
H0643 Exempt CCPCUA from IBT Requirements. 05-09-11	H	Passed 2nd & 3rd Reading
H0658 Change Early Voting Period.  05-18-11	S	Rec From House S Passed 1st Reading S Ref To Com On Judiciary I
H0679 Strengthening Residential Placement.	H	Withdrawn From Com
H0686 Payable on Death Accounts.  05-23-11	H	Re-ref Com On Finance HA Reptd Fav Com Substitute H Cal Pursuant Rule 36(b) H Placed On Cal For 5/24/2011
H0687 Local Abuse of Authority Attorneys Fees.  05-23-11	HA	Reptd Fav Com Substitute H Cal Pursuant Rule 36(b) H Placed On Cal For 5/24/2011
H0690 RE Closing Interest/Civil Penalty UPL.	S	Rec From House S Passed 1st Reading

	S	Ref to Judiciary I. If fav, re-ref to Finance
05-18-11, 05-19-11		
H0697 Study Stroke Prevention in AFib.	H	Passed 2nd & 3rd Reading
H0805 Additional Name Change Requirements.	HA	Reptd Fav Com Substitute
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 5/24/2011
05-23-11		
H0843 Modernize NC Emergency Management Act.	H	Reptd Fav
	H	Cal Pursuant Rule 36(b)
	H	Placed On Cal For 5/24/2011
H0877 Check Off Donation: Government Funding.	H	Withdrawn From Com
S0063 Clarify Definition of Collection Agency.	H	Re-ref Com On Finance
	S	Reptd Fav Com Substitute
	SA	Com Substitute Adopted
05-23-11		
S0129 State Mineral is Gold.	SA	Amend Adopted 1
	S	Passed 2nd & 3rd Reading
	S	Engrossed
05-23-11		
S0143 Detention Facility Requirements.	S	Passed 2nd & 3rd Reading
S0149 No Plastic Knuckles.	S	Reptd Fav Com Substitute
	SA	Com Substitute Adopted
05-23-11		
S0245 Medicaid Billing by Local Health Departments.	S	Concurred In H/com Sub
03-17-11, 05-17-11, 05-18-11		
S0247 Eliminate Means Test From 529 Deduction.	S	Ratified
S0279 Clarify Renewable Energy Resource Definition.	H	Passed 1st Reading
	H	Ref To Com On Environment
S0316 Add'l Section 1915 Medicaid Waiver Sites.	S	Rec To Concur In H Amend
	S	Placed On Cal For 5/23/2011
	S	Concurred In H Amend 1
03-24-11, 05-19-11		
S0382 Required Withholding For Nonresidents.	S	Passed 2nd Reading
05-19-11		
S0385 Small Business Assistance Records.	S	Reptd Fav Com Substitute
	SA	Com Substitute Adopted
05-23-11		
S0426 Modify/Clarify Public Finance Statutes.	S	Passed 3rd Reading
05-10-11, 05-18-11		
S0537 Increase In Rem Foreclosure Fee.	H	Passed 1st Reading
	H	Ref To Com On Finance
S0560 Sport Shooting Range Protection.	S	Reptd Fav Com Substitute
	SA	Com Substitute Adopted
05-23-11		
S0602 Domestic Fowl Stray/ Commercial Poultry Lands.	H	Passed 1st Reading
	H	Ref to the Com on Agriculture, if favorable, Judiciary Subcommittee B
05-17-11		

S0670	Revise Membership/Hearing Aid Fitters Board.	H	Passed 1st Reading
		H	Ref To Com On Health and Human Services
	05-12-11, 05-17-11		
S0713	Spirituuous Liquor Sales - Distilleries.	S	Passed 2nd & 3rd Reading
	05-19-11		
S0727	No Dues Checkoff for School Employees.	S	Withdrawn From Cal
		S	Placed On Cal For 5/24/2011
	05-19-11		
S0730	Taxpayer Action if No DOR Determination.	S	Withdrawn From Cal
		S	Placed On Cal For 5/25/2011
	05-19-11		
S0731	Zoning/Design and Aesthetic Controls.	H	Withdrawn From Com
		H	Re-ref Com On Commerce and Job Development
	05-10-11, 05-17-11		

### LOCAL BILLS

H0072	Community College Investment Flexibility.	S	Rec From House
		S	Passed 1st Reading
		S	Ref to Education/Higher Education. If fav, re-ref to Finance
	03-22-11, 05-18-11, 05-19-11		
H0097	Union Fire Fee Sunset Repealed.	H	Postponed To 5/26/2011
H0118	Winston-Salem/Daily Currency/Coins Deposits.	H	Rec To Concur In S Amend 1
		H	Cal Pursuant Rule 36(b)
		H	Placed On Cal For 5/24/2011
	05-18-11		
H0292	Incorporate Rougemont.	H	Placed On Cal For 5/24/2011
H0367	Roanoke Rapids Deannexation.	H	Passed 3rd Reading
H0486	Tryon Deannexation.	H	Passed 3rd Reading
H0537	Wilkes Fire Tax Dist. Boundaries.	H	Ratified
	04-14-11		
H0573	Raleigh/Wake Forest Boundary.	H	Passed 3rd Reading
	05-12-11		
S0019	Union Fire Fee Sunset Repealed.	H	Withdrawn From Com
		H	Re-ref Com On Finance
S0200	Alamance/Orange 9% Boundary.	H	Passed 2nd Reading
S0201	Alamance/Orange Boundary.	H	Passed 2nd Reading
	04-14-11		

## SUMMARIES OF AMENDMENTS AND COMMITTEE SUBSTITUTES

### HOUSE BILLS

**H 30. [ALLOW WAGE GARNISHMENT TO SATISFY JUDGMENTS.](#)** Filed 2/2/11. House committee substitute makes the following changes to 2nd edition.

Amends proposed GS 75-16.3 as follows. Sets the filing fee for a motion requesting garnishment under this proposed statute at the same rate as the filing fee for other supplemental motions (was, set the filing fee for a

motion for garnishment at \$20) as set out in GS 7A-308(a)(2) (currently, \$30). Directs that a copy of the order of garnishment be personally served on the judgment debtor and the garnishee using any method authorized under GS 1A-1, Rule 4(j) (was, service on the judgment debtor and the garnishee either personally or by certified or registered mail, return receipt requested).

Requires the garnishee, upon receiving a garnishment order and beginning with the judgment debtor's next pay period starting after the receipt of the notice of garnishment, to withhold the amount in the garnishment order and transmit that amount to the judgment creditor at the address specified in the order (was, directed the garnishee to transmit the amount ordered by the garnishment order to the clerk of court who was to disburse the amount to the judgment creditor). Directs the judgment creditor to deliver a written notice to the garnishee that the garnishment order is satisfied within five business days following satisfaction of the judgment.

Clarifies that a judgment creditor must not notify the clerk of superior court of each individual payment received under the garnishment order; however, does require the judgment creditor to notify the clerk within 60 days of receipt of payment in full and satisfaction of the judgment. Provides that a judgment creditor who does not file the required notice within 30 days of a written demand by the judgment debtor may be required to pay a civil penalty of \$100 in addition to attorneys' fees and any loss caused to the judgment debtor by the failure to file the notice.

Civil Law and Procedure; Courts

**H 112. REALIGN WAKE SUPERIOR COURT DISTRICTS.** Filed 2/16/11. House amendment makes the following changes to 2nd edition. Clarifies that the judgeship for Wake County Superior Court District 10A is to be filled by Paul C. Ridgeway, whose term expires December 31, 2014. Clarifies that the judgeship for Wake County Superior Court District 10B is to be filled by Michael R. Morgan, whose term expires December 31, 2012.

Courts

**H 139. LIMIT CONTRIBUTIONS BY STATE VENDORS.** Filed 2/17/11. House committee substitute makes the following changes to 2nd edition. Amends proposed GS 163-278.130 to clarify that *vendor* includes an individual who is a member of a board, commission, or other body with a contract greater than \$25,000 with any office established by Article III of the North Carolina Constitution that takes action on the contract, regardless of whether the individual participates individually in that action, unless the individual (1) is prohibited from voting by a policy of the corporation and (2) does not vote on the contract. Makes a technical change.

Elections Law; State Government

**H 596. TRANSFER SURPLUS PROP. TO RETIREMENT SYSTEM.** Filed 4/4/11. House amendment makes the following change to 2nd edition. Adds language to GS 146-30(a) to forbid state lands or contracts being divided for the purpose of evading the appraised value of the provisions of Subchapter II of GS Chapter 146.

Employment and Retirement; State Government

**H 686. PAYABLE ON DEATH ACCOUNTS.** Filed 4/6/11. House committee substitute makes the following changes to 1st edition. Amends proposed GS 53-146.2A to clarify that if the beneficiary of a payable on death account is an entity other than a natural person, there will be only one beneficiary. Makes other clarifying and conforming changes. Amends proposed GS 53-146.2A to add that if a natural person sets up a payable on death account with the incidents detailed in the statute, the language may be on a signature card or in a separate explanatory document.

Makes similar changes to proposed GS 54B-130A, GS 54C-130A, and GS 54-109.57A. Clarifies that the act is effective October 1, 2011, and applies to agreements executed on or after that date. Agreements executed before October 1, 2011, remain subject to the laws in effect at the time the parties executed the agreement.

Banking and Finance

**H 687. ATTY FEES/CITY OR COUNTY ACTION OUTSIDE AUTH. (NEW).** Filed 4/6/11. House committee substitute makes the following changes to 1st edition. Deletes proposed GS 1-539.17 added to GS Chapter 1, Article 43C, and instead adds new GS 6-21.6 to GS Chapter 6, Article 3. Provides that in an action (was, in any civil action) in which a city or county is a party (was, a defendant), the court may award reasonable attorney's fees if the court finds that the city or county acted outside the scope of its legal authority (was, if the court finds that

there was not statutory authority for any ordinance, resolution, or administrative action of the city or county and that the action of the city or county was an abuse of authority).

Changes the title to *AN ACT TO PROVIDE THAT WHEN CITIES AND COUNTIES ACT OUTSIDE OF THE SCOPE OF THEIR AUTHORITY, THE PARTY SUCCESSFULLY CHALLENGING THAT ACTION MAY RECOVER REASONABLE ATTORNEY'S FEES*.

Applies to claims for relief that are brought or defended on or after the date the act becomes law.

Civil Law and Procedure; Local  
Government

**H 805. ADDITIONAL NAME CHANGE REQUIREMENTS**. Filed 4/6/11. House committee substitute makes the following changes to 1st edition. Adds new subsection (g) to GS 101-5 to authorize the clerk of superior court (clerk), upon learning of fraud or material misrepresentation in the application for a name change, to set aside the order granting the name change on the clerk's own motion after providing notice and an opportunity to be heard to the name change applicant. Directs the clerk to notify the State Registrar of Vital Statistics and the Division of Criminal Information if the name change order is set aside.

Courts

## SENATE BILLS

**S 63. CLARIFY PERMIT REQ. COLLECTION AGENCY E'EE (NEW)**. Filed 2/10/11. Senate committee substitute makes the following changes to 1st edition. Deletes amendment to GS 58-70-15, which expanded the list of persons or entities not subject to the collection agency statutes, and replaces with *AN ACT TO CLARIFY THAT REGULAR EMPLOYEES OF DULY LICENSED DEBT COLLECTION AGENCIES ARE NOT REQUIRED TO OBTAIN A COLLECTION AGENCY PERMIT*. Amends GS 58-70-1 as the new title indicates. Effective when it becomes law (was, effective July 1, 2011).

Business and Commerce

**S 129. STATE MINERAL IS GOLD**. Filed 2/24/11. Senate amendment makes the following change to 1st edition. Makes a technical change only.

State Government

**S 149. NO NONMETALLIC KNUCKLES (NEW)**. Filed 2/28/11. Senate committee substitute makes the following changes to 1st edition.

Amends GS 14-269(a) to clarify that it is also unlawful to willfully and intentionally carry concealed nonmetallic knuckles (was, plastic knuckles), except on one's own premises. Makes a conforming change to GS 14-269.2(d) and (e). Amends GS 14-315(a) to clarify that it is a Class 1 misdemeanor to sell or otherwise transfer to a minor metallic or nonmetallic knuckles (was, brass knucks or plastic knuckles) or other prohibited item under existing law. Specifies that prosecutions for offenses committed before the act's effective date, December 1, 2011, including prosecutions where nonmetallic knuckles have been alleged to be deadly weapons, are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions. Makes conforming changes to the bill title.

Criminal Law, Procedure, and  
Sentencing

**S 385. SMALL BUSINESS ASSISTANCE RECORDS**. Filed 3/21/11. Senate committee substitute makes the following changes to 1st edition. Deletes proposed subsection (g) to GS 132-1.1 (Personally identifiable small business counseling information) and deletes proposed conforming amendments to the catch line of GS 132-1.1 and GS 132-1.2.

Instead, amends GS 115D-78 to exempt documents submitted by an individual seeking business counseling or technical assistance to the North Carolina Community College System's Small Business Center Network (Network), and documents created by the Network to provide counseling and technical assistance to the individual from the definition of public record as defined by GS 132-1.

Enacts new GS 116-43.16 to exempt documents submitted by an individual seeking business counseling or technical assistance to the University of North Carolina's Small Business and Technology Development Centers (Centers), and documents created by a Center to provide counseling and technical assistance to the individual from the definition of public record as defined by GS 132-1.

Changes the title to *AN ACT PROVIDING THAT SMALL BUSINESS ASSISTANCE RECORDS ARE NOT PUBLIC RECORDS*.

Business and Commerce

**S 560. [SPORT SHOOTING RANGE PROTECTION](#)**. Filed 4/11/11. Senate committee substitute makes the following changes to 1st edition.

Amends proposed GS 14-409.46, clarifying that a sport shooting range that relocates *to another location within the same county* due to condemnation, rezoning, annexation, road construction, or development is considered to be continuously in existence and not to have undergone a substantial change in use. Adds that a sport shooting range exempted from liability under Article 53C of GS Chapter 14 that relocates to a new location in a different county must comply with ordinances in effect at the new location as of the date property is purchased to establish the range.

Criminal Law, Procedure, and Sentencing

## Legislation Enacted

None

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## Notes

None

## NEXT SESSIONS

May 24, 2011

**HOUSE convenes at 2:00 pm**

**SENATE convenes at 1:30 pm**